



April 12, 2005

Country of Origin Labeling Program
Agricultural Marketing Service
U.S. Department of Agriculture
Room 2093-S
STOP 0249
1400 Independence Avenue, S.W.
Washington, DC 20250-0249

Re: Supplemental Comments to Interim-Final Rule Mandating Country of Origin
Labeling Of Farm-Raised Fish and Shellfish

These additional comments are being submitted by Mexico's National Commission of Aquaculture and Fisheries ("CONAPESCA") in connection with the interim-final rule published by the U.S. Department of Agriculture mandating country-of-origin labeling ("COOL") for wild and farm-raised fish and shellfish,. This Rule was promulgated pursuant to two U.S. statutes, the Farm Security and Rural Investment Act of 2002 and a 2002 Supplemental Appropriations Act. These comments are intended to reiterate CONAPESCA's original submission of February 2, 2005 with respect to mandatory COOL for wild and farm-raised fish and shellfish, which became effective on April 4, 2005.

Recognizing that the Department of Agriculture had requested that comments to the October 5, 2004 interim-final rule be submitted by February 2, 2005 to be assured of consideration (69 *Fed. Reg.* 71609), CONAPESCA nevertheless is submitting these additional comments at this time with the hope that they would be taken into consideration by the Department of Agriculture.

These additional comments are addressed to one issue -- an issue touched on briefly in CONAPESCA's February 2, 2005 submission -- relating to the need for the Department of Agriculture to, among other things, provide better guidance in its final regulations for distinguishing between wild and farm-raised fish and shellfish in the following situation:

1. Fish (or shellfish) are caught in the open sea.
2. The fish are then pulled in a net to holding pens (corrals).
3. The fish are kept in the holding pen for periods of time, during which they are fed and grow.
4. When the time is appropriate, the fish are harvested and sold for consumption to the market.

It is unclear under the interim-final rule how fish arriving to the U.S. market under such a scenario, which is not an uncommon scenario, would have to be labeled under the interim-final rule. Although starting out as "wild", they are also "farm-raised".

CONAPESCA requests that the Department of Agriculture advise how fish harvested and sold in the above-described way should be labeled, and that the Department of Agriculture also provide its reasoning for its decision, so that it can be applied by others in similar, if not identical, situations.

In order for COOL labeling to be correct, those at the beginning of the distribution chain must know whether the product they are introducing into commerce is "wild" or "farm-raised". In the above-scenario, and for similar scenarios, the interim-final rule provides inadequate guidance. CONAPESCA requests that the Final Rule, when published, correct at least this shortcoming.

The Department of Agriculture's consideration of these comments, and its response to the questions raised in these comments, is greatly appreciated.

Sincerely,

/s/

Mario Aguilar
CONAPESCA
General Representative